

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THOMAS BUCKNER, JR.,

CASE NO. 3:19 CV 1557

Petitioner,

v.

JUDGE JAMES R. KNEPP II

STATE OF OHIO,

Respondent.

**MEMORANDUM OPINION AND
ORDER**

This matter is before the Court on Magistrate Judge Jennifer Dowdell Armstrong's Report and Recommendation ("R&R") to dismiss and deny Petitioner Thomas Buckner, Jr.'s Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254. (Doc. 11). Specifically, Judge Armstrong recommends Grounds One and Two be denied and dismissed as procedurally defaulted, and alternatively meritless as waived by Petitioner's guilty plea; and Ground Three be denied and dismissed as procedurally defaulted, and alternatively found non-cognizable. *See id.* at 14-27.

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on September 9, 2022, and it is now September 30, 2022. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Armstrong's R&R, and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Armstrong's R&R (Doc. 11) as the Order of this Court, and DENIES and DISMISSES Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II
UNITED STATES DISTRICT JUDGE